

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID JACOBS and GARY HINDES, on
behalf of themselves and all others similarly
situated, and derivatively on behalf of the
Federal National Mortgage Association and
Federal Home Loan Mortgage Corporation,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE
AGENCY, in its capacity as Conservator of
the Federal National Mortgage Association
and the Federal Home Loan Mortgage
Corporation, and THE UNITED STATES
DEPARTMENT OF THE TREASURY,

Defendants,

and

THE FEDERAL NATIONAL MORTGAGE
ASSOCIATION and THE FEDERAL HOME
LOAN MORTGAGE CORPORATION,

Nominal Defendants.

C.A. No. 15-708-GMS

**MOTION OF TIMOTHY HOWARD FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*
IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Non-party Timothy Howard respectfully moves the Court for leave to file his Brief *Amicus Curiae* in Opposition to Defendants' Motion to Dismiss. The proposed brief accompanies this motion.

INTERESTS OF *AMICUS CURIAE*

Timothy Howard was the Chief Financial Officer of Nominal Defendant Federal National Mortgage Association ("Fannie") from February 1990 to January 2005. During that time, he was

responsible for the company's finance and risk management activities, strategic and business planning, financial reporting and accounting, and the management of Fannie's largest business, its portfolio of mortgage investments. Mr. Howard's detailed knowledge of Fannie's accounting, operations, and business risks—together with his experience at the company in the years during which the seeds of the 2008 mortgage crisis were sown—gives him a unique perspective on what occurred in the financial markets in general and with Fannie specifically in the period leading up to, during, and following the crisis. Mr. Howard's interest is in ensuring that the Court has a factually accurate understanding of the relevant details concerning the government's placement of Fannie Mae and Freddie Mac ("Freddie," and together with Fannie, "the Companies") into conservatorship, and the subsequent management and operation of that conservatorship.

**MR. HOWARD'S BRIEF IS RELEVANT TO THE DISPOSITION OF THE DISPUTE
AND WILL BE HELPFUL TO THE COURT**

This Court has the "inherent authority" to grant leave to permit participation by an *amicus curiae*. *Youming Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008). In determining whether to grant leave, the Court has "broad discretion," *Nat'l Ass'n of Home Builders v. U.S. Army Corps of Eng'rs*, 519 F. Supp. 2d 89, 93 (D.D.C. 2007), and leave is generally granted when "the information offered is timely and useful," *Ellsworth Assocs. v. U.S.*, 917 F. Supp. 841, 846 (D.D.C. 1996). Mr. Howard can assist the Court by offering a unique perspective, and information that is timely and useful. As a result, his brief "will assist the [Court] by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties' briefs." *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003).

CONCLUSION

For the foregoing reasons, Mr. Howard respectfully requests that this Court grant this Motion for Leave to file his Brief *Amicus Curiae* in Opposition to Defendants' Motion to Dismiss.

Respectfully submitted,

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/s/ David E. Ross

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Dated: February 2, 2016

CERTIFICATE OF SERVICE

I, David E. Ross, hereby certify that on February 2, 2016, I caused the foregoing ***Motion of Timothy Howard for Leave to File Brief Amicus Curiae in Opposition to Defendants' Motion to Dismiss*** to be served via electronic mail upon the following counsel of record:

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